

**MINUTES OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
JUNE 12, 2013
7:00 PMs**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Scherer, Schroeder, Potts, Platteter, Forrest, Grabel, Staunton

Absent from the roll call: Carpenter, Carr, Cherkassky, Kilberg

III. APPROVAL OF MEETING AGENDA

Commissioner Potts moved approval of the meeting agenda. Commissioner Platteter seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Scherer moved approval of the May 8th & 22nd, 2013 meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

David Frenkel, 4510 Lakeview Drive, Edina, MN, addressed the Commission and informed them of his frustration with the City's enforcement response with regard to new construction. Frenkel said a new house is being constructed behind him and the construction debris, dirt in the street, length of construction, etc. continue to be problems.

VI. PUBLIC HEARINGS

A. Zoning Ordinance Update

Chair Staunton addressed the Commission and explained that amending the Zoning Ordinance has been an ongoing process, adding three Commissioners (Forrest, Platteter, Potts) formed a working group that has been studying the impact of residential developments/redevelopments since January. The group also presented their findings to the Commission. Staunton reported

that this evening the Commission would be inviting the public to comment before any changes to the Ordinance are recommended to the City Council for their review and approval. Staunton asked Commissioner Platteter and Planner Teague to brief the Commission on the progress of the work group and City Staff thus far.

Commissioner Platteter recapped for the Commission the process the “work group” went through since January. Platteter noted that Edina is fortunate to be an in-demand place to live; however, it was difficult to find a single or simple solution to address the issues of redevelopment.

Planner Teague addressed the Commission and explained that during the past several months the Commission, the work group, and City Staff have considered residential redevelopment of single and two family homes in Edina. Teague reported through these discussions nine topics or issues were identified as follows:

1. Drainage
2. Building Lot Coverage
3. Side yard setback including second story setback requirements.
4. Building Height
5. Side wall articulation
6. Front facing garage
7. Nonconforming front yard setbacks
8. Garage stall requirements; and
9. Miscellaneous Code “clean up”.

Teague concluded that staff has drafted amendments to the Code to regulate the nine issues. Chair Staunton said in his opinion it would be best if each of the nine topics were discussed individually.

Staunton introduced:

1. Drainage, retaining walls, egress window and site access.

A discussion ensued with Commissioners considering adding the word volume to Subd. 7. Drainage, Retaining Walls & Site Access 1. Existing drainage rate and volume shall not be increased. After a brief discussion it was acknowledged that one can’t “regulate” the amount of rain fall and it was decided to leave the sentence as originally structured without the word volume.

Discussion ensued on retaining walls and if retaining walls should require a setback. Commissioners agreed that the ordinance should be amended to require a 3-foot setback for retaining walls over 4-feet in height. It was further noted that retaining walls over 4-feet in height also require a building permit and engineering review.

The discussion continued on egress windows with Commissioners recommending a 5-foot side yard setback for egress windows. It was further recommended to amend the ordinance to indicate N/A for front and rear yard setback for egress windows. It was noted that the intent of establishing side yard setbacks for egress windows was to ensure access and safety.

With regard to access from front to rear it remains at three-feet. Commissioners agreed unencumbered access of three-feet is sufficient.

Planner Teague asked the Commission to note that in speaking with the City Engineer, Wayne Houle, Houle recommended they review the proposed language along with the watershed district to ensure the City “gets in right” on the proposed requirements.

Commissioner Potts suggested that the term “maintenance access” be a defined term. Commissioners agreed.

2. Building Lot Coverage

Planner Teague said that initially the Commission considered amending the lot coverage requirement to 25% across the board; however, after further study by the work group it was found that changes in this area would be difficult at best. The consensus was to leave the language as written

Commissioners requested that language also be drafted to better define building coverage.

Continuing, Teague explained that Commissioner Platteter referred to areas in the ordinance that need to be “cleaned up”, adding the section in the ordinance referring to building coverage/lot coverage exclusions/inclusions be relocated to the proper place in 850.11. It was pointed out that at this time that language is in a different section.

3. Side yard setback

Planner Teague explained much study went into this area. He said the general consensus is to require a 12-foot setback combination on lots over 60 -feet in width; under 75-feet in width. The required side yard setback on lots less than 50-feet in width remain at 5-feet. Setbacks for lots in excess of 75-feet in width remain the same at 10-feet for living space.

Commissioner Platteter expressed some concern that the change to the side yard setback would create more nonconforming lots. Teague reminded the Commission the ordinance now allows a 200-square foot nonconforming encroachment on each level.

Chair Staunton clarified it appears that as the lot gets wider the setback gets larger. Teague responded in the affirmative.

Continuing, Teague explained it was suggested that a chart be included in the ordinance indicating the required side yard setbacks for lots between 61-75 feet in width. Commissioners agreed this was a good idea.

The Commission also suggested for consistency to indicate in the ordinance side yard setback in all cases is no less than 5-feet.

Chair Staunton commented that the current side yard building height step back formula is proposed to be eliminated and asked Planner Teague if that formula created some issues. Planner Teague responded that problems did arise; the consequences were that it is almost impossible to build a Colonial style home.

4. Building Height

Planner Teague reported that from the discussions on building height the goal was to reduce the impact and the perception of overly tall structures. Teague explained that the proposed change to the ordinance for building height for lots less than 75-feet in width to 30-feet may reduce this perception. Teague said this change reduces the allowed height from 35 to 30 feet. Continuing, Teague further stated that there was no change in building height for lots greater than 75-feet in width. Ordinance remains 35-40-feet. Teague also pointed out the elimination of building height to the mid-point. Concluding, Teague added no change in building height for commercial, industrial or high density residential is anticipated.

Commissioner Grabiell asked if this change would prohibit flat roofs. Planner Teague responded that this change won't prohibit flat roofs.

Commissioner Platteter explained that the change in ordinance with regard to mid-point should reduce the many "peaked" roofs that are now found on the newer homes.

Commissioner Potts asked Planner Teague if this change includes the removal of the 2 ½ requirement. Teague responded that portion of the ordinance remains the same at 2 ½ stories.

5. Side Wall Articulation

Planner Teague said at the last meeting the Commission and staff reviewed language on sidewall articulation from the City of Alamo Heights and found that a number of their regulations were good and could be incorporated into the Zoning Ordinance. Proposed changes include the length of an exterior side wall shall not exceed thirty-feet without a minimum of at least a one foot by ten foot offset (projecting or recessed or a combination of two) or a combination of two (2) architectural or utilitarian features every 30 feet of building wall. Staff would provide a list of features.

Commissioners agreed with those changes.

6. Front facing garages

Planner Teague reported that at the present time the ordinance does not address front facing garages. He added there are multiple ways to approach this issue. Teague reported that following the suggestions from the Commission staff drafted the following:

A front facing garage on lots less than 75-feet in width. Garage doors that face a public street shall be no more than nine (9) feet in height and twenty-four-feet in width and shall not exceed 60% of the width of the principle structure.

A discussion ensued with Commissioner Forrest pointing out detached garages are also visible from the front street. Commissioner Platteter added that he also was looking at limiting the projection of a front facing garage into the front Yard setback. Platteter acknowledged it may be difficult to find the right number.

In response to those issues Planner Teague said he would take another look at the proposed language and modify it to reflect limiting garage projection into the front yard setback area.

7. Nonconforming front yard setbacks

Planner Teague said maintaining the street scape is important in Edina, adding for months the Commission and staff have been discussing varying ways to address front street setback. Teague pointed out Edina is a completely developed City where there are few large open areas where a “new” house wouldn’t impact its neighbor. Teague said the “policy” the City has established with teardowns-rebuilds and large additions have been that the new house and/or addition can maintain the setback of the original house. Teague said staff has noticed an increase in variance requests for front yard setbacks especially on corner lots and in large lot neighborhoods where the grid pattern is not typical. Teague acknowledged there are certain drawbacks to this approach.

8. Garage stall requirements

Planner Teague acknowledged with regard to the two vs. one stall garage requirement that there are differing opinions on the Commission. Teague explained that the amended ordinance would allow one garage stall on lots less than 75-feet in width.

9. Miscellaneous code revision “clean-up”

Planner Teague explained at this time the City is undergoing an ordinance “cleanup”. He said there are specific items that require cleanup including the flood plain ordinance and the duplication of variance and conditional use permit in that section of the ordinance. Teague also noted that clean-up is needed on accessory building and structures used for dwelling purposes. Teague said this provision would be stricken because the ordinance does not allow accessory buildings to be used for dwelling purposes in the R-1 zoning district.

Chair Staunton thanked all for their comments and opened the public hearing.

Public Hearing

M. Turk, 6141 Brookview Avenue, addressed the Commission and informed them in her opinion the houses being built are just too large. Turk also suggested that lot coverage be set at 25% across the board. This change would reduce water run off issues especially on the smaller lots. Continuing, Turk also stated that she believes there should be no difference in setback between garage and living space.

David Frenkel, 4510 Lakeview Drive, told the Commission that in his opinion there is a lack of enforcement of the ordinance. Frenkel pointed out the constant flow of construction vehicles and the wear and tear on City streets; not to mention the dirt left in the streets is a huge issue. Concluding, Frenkel said the height of retaining walls has also become an issue; he suggested that retaining walls over a certain height be fenced to ensure that no one falls off the wall.

John Gilligan, 5804 Crescent Terrace, said his concern is with the proposed change to the front yard setback requirement #7 Nonconforming front yard setbacks. Gilligan said if the Commission approves this change the recently granted front yard setback variance for 5801 Crescent Terrace would be void and the new house could be built at the established nonconforming setback as per new ordinance. Gilligan observed front yard setback is from the closest point of a house which may only be a corner of a house; not the entire structure. So now an entire house sits at the nonconforming setback not just a portion of the house. Gilligan said in his opinion a single setback standard may not work as well as requiring different setbacks by area.

Cheryl Appledorn, 4611 Townes Circle, told the Commission her concern is with overall building height especially in areas of hills and low lands. Appledorn suggested that when a house is razed that the height of the new be in keeping with the height of the structures on either side. Appledorn also suggested that when a house is torn down that the City require an elevation of the new house to scale with the houses on either side. If a scaled drawing is required indicating the houses on either side the neighbors can get a better feel of how the new house would look. Concluding, Appledorn stressed the importance of monitoring the direction and flow of water runoff as the result of these large homes. Appledorn said the increase in impervious surfaces have impacted the White Oaks pond/meadow area.

Mr. Broat, 4820 Rolling Green Parkway, told the Commission he thinks allowing a one stall garage vs. the existing two stall requirement would be a mistake. He added in his opinion vehicles should be stored inside; not on the driveway or street. Broat stated he agrees with the comments from Mr. Gilligan with regard to #7. Nonconforming front yard setback.

Tom Laforce, 5901 Tingdale Avenue, said in his opinion each home, each neighborhood should be evaluated individually. Small houses on small lots big houses on big lots.

Jackie Whitbeck, 6128 Brookview Avenue, told the Commission in her opinion the setback for an attached garage should be the same as for living space. She stated even if the lot is over 75-feet in width any structure 5-feet from a property line can present problems. She explained that a new house with an attached garage was built 5-feet from the common property line and with a roof overhang of two feet the structure can be quite close.

Dick Whitbeck, 6128 Brookview Avenue, addressed the Commission and reported he is a longtime resident, adding in his opinion he feels like he is being “squeezed” out of Edina. Whitbeck said if the trend continues there will be very few middle income properties available for younger people with children to purchase.

Michael Genau, #6 Merilane, told the Commission his property abuts a very large lot that is slated for subdivision. Genau said from discussions he has learned the lot is proposed to be subdivided into three lots; however, Genau said in his opinion three lots are too many; two would be more appropriate to ensure adequate placement of the new homes.

Chair Staunton asked if anyone else would like to speak to this issue; being none Commissioner Grabiell moved to close the public hearing. Commissioner Scherer seconded the motion; all voted aye; motion carried.

Discussion

In response to public comments Chair Staunton suggested “re”discussing each topic with the public comments in mind.

Staunton asked Planner Teague if the City has any rules with regard to impervious surfaces; noting the comment about water run-off. Teague said at this time the City doesn’t have “specific” impervious rules; however, the City does have lot coverage requirements which limit hard surface and impact water run-off.

Commissioner Platteter explained that the work group did discuss lot coverage and impervious surfaces; however, found that changes in lot coverage requirements would create many nonconforming lots. He also pointed out it was difficult to come up with the correct percentage, adding if the City gets it wrong there would be ramifications. Commissioner Potts commented that it appears even before these ordinance amendments are adopted that many of Edina’s lots are non-conforming. Commissioners agreed with that statement.

Chair Staunton referred to a letter from a resident that suggested capping lot coverage for all lots at 25%. Staunton reiterated the discussions so far have “toyed” with this idea; however, at this time the Commission recommends no changes to building coverage/ lot coverage. Staunton said defining building coverage may also help in this instance. Commissioner Forrest commented that the letter mentioned a sliding scale for lot coverage which may not be a bad idea. Staunton agreed.

Chair Staunton said one comment from the public that resonated with him was the setback of an attached garage. He asked Planner Teague to explain the varying setback requirements between garage space vs. living space.

Planner Teague responded that currently City ordinance requires a 5-foot side yard setback for attached garages in all instances. Chair Staunton said it would make sense to him that the setback for an attached garage was the same as the principle structure. Teague said on lots greater than 75-feet in width an attached garage is required to maintain a 5-foot side yard setback; however, living space on a lot in excess of 75-feet is 10-feet. There is a difference as pointed out by Ms. Whitbeck.

Commissioner Potts asked if there are height limits for garages. Planner Aaker responded in the affirmative. She explained a detached garage has a maximum building height of 18-feet; attached garage height is determined through setback.

A discussion ensued on the question of access to the rear yard from the front yard and egress windows. The majority of Commissioners felt that clear maintenance access be required on one side of a single dwelling unit from the front yard to the rear yard; and not on both sides. It was also pointed out that the new language requires a minimum of 5-feet on one side. It was further decided that clear maintenance access be required on one side.

Chair Staunton stated he tends to agree with Mr. Frenkel on requiring a fence on retaining walls in excess of so many feet (4-feet?). Commissioners commented that a fence may not be required for terraced retaining walls; however, there should be some type of safety measure in place to ensure wall safety. Commissioners indicated they would take up this issue at a later date.

Planner Teague said that at this time as previously mentioned the Engineering Department is considering setbacks for retaining walls, its impact, and will weigh in with their findings. Teague said he would be uncomfortable recommending a change until the Engineering Department and Barr Engineering provide the City with their input. The discussion refocused on drainage from new construction and the fact that new construction should not create more runoff on neighboring properties. Commissioners agreed to wait to hear from Engineering.

The discussion refocused on front facing garages and their projection into the front setback. Commissioners Forrest and Platteter said they would recommend limiting the projection of the garage to a specific number. Commissioner Scherer said in her opinion at least in her neighborhood there is nothing offensive about front facing garages encroaching into the front yard setback. Commissioners agreed; however on the smaller lots it does make a difference.

Final discussion ensued on the issue of nonconforming front yard setbacks. It was noted as mentioned by Mr. Gilligan and Mr. Broat that there is a difference between an entire house

being built at the nonconforming setback vs. a small portion of the house at the nonconforming setback. Commissioners acknowledged that this is a difficult issue that requires further discussion. It was suggested that for now tear down rebuilds could be constructed at the nonconforming setback plus 200 square feet; however, nonconforming additions would also be capped at 200 square feet as ordinance currently states. Commissioner Forrest said tying the nonconforming setback to 200 square feet is a good idea.

The discussion continued on the potential increase in variance requests because of the amendments.

Commissioner Forrest commented she has mixed feelings, adding she isn't sure the Commission addressed all the concerns expressed by residents. She said the City seems to be losing a variety of housing stock and the price of the "replacement" homes continue to rise.

Chair Staunton directed Planner Teague to incorporate the discussion from both the Commission and residents.

Summary of the discussion and resident comments as they pertain to the nine topics of change:

- Drainage, retaining walls, and site access. Clarify language prohibiting redirection of water to neighboring property. Require a 3-foot setback for retaining walls taller than 4-feet, and in all instances require a 3-foot wide maintenance access from front to back – egress windows wells require a 5-foot setback on only one side. Wait for feedback from City Engineer.
- Lot Coverage – remains unchanged acknowledge movement of building coverage requirements to the right location in the ordinance.
- Side yard setbacks: Lots less than 50 feet a 5-foot side yard setback is required; 50-59-feet 12-feet total setback with no less than 5-feet on one side
- 60-74 – formula remaining unchanged
- 75-feet – recommend that living space and garage space is the same at 10-feet. This is a change from the previously amended text.
- Building height – lots less than 75-feet height reduced from 35 to 30-feet; lots over 75-feet remains at 35-40 feet. Eliminate measurement for building height to the mid-point remains as previously proposed.
- Sidewall articulation – remain as previously amended.
- Front facing garage – remains the same as amended; however include the requirement that the front facing garage cannot extend more than 5-feet beyond the front building wall (less than 75-feet in width)
- Nonconforming front yard setbacks – remains as previously amended; however revise it to prohibit more than 200-square feet to encroach into the nonconforming setback.
- Garage stall requirement – remains as previously amended.
- Miscellaneous – as previously amended.
- Require that contractors/builders submit elevations for residential proposals.

Chair Staunton thanked everyone for their comments.

VII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

VIII. CHAIR AND COMMISSION COMMENTS

Chair Staunton reported that the City Council has appointed a “Grandview Committee”; adding he is part of that Committee; along with Commissioner Schroeder. Staunton said he would keep the Commission apprised of their progress.

Commissioner Platteter asked Planner Teague to invite the new residential redevelopment coordinator to a Planning Commission meeting to provide feedback on what’s going on out in the field. Teague responded he would do that, adding it’s a great idea.

IX. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 10:00 pm. Commissioner Potts seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker

Respectfully submitted